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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 ANGELA EVANS, individually;

14 CASE NO.: 2:20-cv-01919-RFB-VCF

15 Plaintiff,

16 v.

17 NYE COUNTY, a political subdivision of the
18 State of Nevada; DAVID BORUCHOWITZ,
19 individually,

20 **STIPULATION AND ORDER TO CONTINUE**
21 **DISCOVERY DEADLINES**

22 **(Fourth Request)**

23 Defendants.

24 Pursuant to LR IA 6-1, 6-2, and LR II 26-4, Plaintiff ANGELA EVANS and Defendants
25 NYE COUNTY and DAVID BORUCHOWITZ (“the parties”), through their respective attorneys
of record, hereby stipulate to briefly continuing the discovery deadlines in this matter. This is the
fourth request for an extension to the Discovery Plan and Scheduling Order. The requested
extension is sought in good faith and not for purposes of undue delay.

26 In accordance with the Court’s direction following the discovery hearing held on January 5,
27 201 (ECF No. 26), the instant case (“NC case”) has been coordinated with Case No. 2:20-cv-
28 00986-RFB-VCF (“VEA case”) for purposes of discovery. The cases have not been formally
29 consolidated. Plaintiff’s counsel in the VEA Case recently filed a *Motion to Extend Time* (ECF No.
30 58) seeking an open discovery extension until the Court rules on the parties’ Motions for Protective
31 Order filed in the VEA case (ECF No. 50; ECF No. 52).

1 However, the parties in this NC case wish to proceed to trial, rather than await any extended
2 discovery deadlines in the VEA case. As such, the parties in this NC case are submitting this
3 Stipulation for a short discovery extension as it pertains to the NC case only. While this creates a
4 separation of deadlines between this NC case and the VEA case, the parties still reserve the right to
5 utilize evidence produced in the VEA case, subject to the rules of evidence.

I. DISCOVERY COMPLETED TO DATE

7 The parties have completed the following discovery:

- Plaintiff has provided her initial disclosures and twelve (12) supplements thereto;
- Defendants have provided their initial disclosures and eleven (11) supplements thereto;
- Plaintiff has propounded several sets of written discovery to Defendants and Defendants have responded;
- Defendants have propounded a set of written discovery to Plaintiff and Plaintiff has responded;
- Plaintiff has disclosed her retained expert witnesses;
- Plaintiff has been deposed;
- Defendant Boruchowitz has been deposed;
- Four (4) percipient witnesses have been deposed; and
- Plaintiff's expert Scott A. DeFoe is scheduled to be deposed on July 26, 2021.

II. DISCOVERY THAT REMAINS TO BE COMPLETED

- Rebuttal expert disclosures;
- Depositions of the parties' experts;
- Additional written discovery;
- Depositions of lay witnesses; and
- Deposition of Defendant NYE COUNTY's FRCP 30(b)(6) Witness.

1 **III. REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

2 This short extension is necessary to allow both parties ample time to complete all
3 appropriate discovery. Specifically, additional time is needed to complete additional written
4 discovery as well as notice and take depositions.

5 The parties believe that, absent any unforeseen circumstances, all necessary discovery can
6 be accomplished by the requested extended deadline. Good cause exists to extend all deadlines in
7 order to permit the parties to achieve their respective stated discovery goals and in consideration of
8 current restrictions in place that have affected the parties' availability, witness availability, and
9 undersigned counsel's availability.

10 **IV. PROPOSED REVISED DISCOVERY PLAN**

11 1. Discovery Cut-Off Deadline

12 The discovery cut-off deadline shall be extended from July 9, 2021 to **Wednesday, August
13 11, 2021.**

14 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)

15 The deadline was previously extended to July 12, 2021 (ECF No. 42). The parties do not
16 seek further extension of this deadline.

17 3. Dispositive Motions Deadline

18 The deadline to file dispositive motions shall be extended from August 9, 2021 to **Monday,
19 October 4, 2021.**

20 4. Joint Pretrial Order Deadline

21 If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint
22 Pretrial Order shall be filed thirty (30) days after the date set for filing dispositive motions, and
23 therefore, not later than **Wednesday, November 3, 2021.** In the event dispositive motions are
24 filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the
25 Court enters a ruling on the dispositive motions or otherwise by further order of the Court.

1 In accordance with Local Rule 26-4, any stipulation or motion for modification or extension
2 of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the
3 expiration of the subject deadline.

4 Accordingly, the parties stipulate, subject to approval of this Court, to the following new
5 proposed deadlines:

	<u>Current Deadline</u>	<u>Revised Deadline</u>
7 Discovery Cut-Off	July 9, 2021	August 11, 2021
8 Dispositive Motions	August 9, 2021	October 4, 2021
9 Joint Pretrial Order	September 10, 2021	November 3, 2021 If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

10 **IT IS SO STIPULATED.**

11 DATED this 29th day of June, 2021.

12 **LAGOMARSINO LAW**

13 _____
14 /s/ Andre M. Lagomarsino
15 ANDRE M. LAGOMARSINO, ESQ. (#6711)
CORY M. FORD, ESQ. (#15042)
Attorneys for Plaintiff Angela Evans

16 DATED this 29th day of June, 2021.

17 **MARQUIS AURBACH COFFING**

18 _____
19 /s/ James A. Beckstrom
20 CRAIG R. ANDERSON, ESQ. (#6882)
JAMES A. BECKSTROM, ESQ. (#14032)
Attorneys for Defendants
Nye County and David Boruchowitz

21 **IT IS SO ORDERED.**

22 Dated: _____ 6-30-2021



23 **UNITED STATES MAGISTRATE JUDGE**